



**TO:** Kim Lundy- Email  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Wal-Mart Stores Texas, LLC (Domestic State: DE)

**Service of Process  
Transmittal**

07/28/2021  
CT Log Number 539982125

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Hajek Janice, Pltf. vs. Wal-Mart Stores Texas, LLC, Dft.

**DOCUMENT(S) SERVED:** Citation, Certificate(s), Petition

**COURT/AGENCY:** 458th Judicial District Court - Fort Bend County, TX  
Case # 21DCV285327

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition - 09/11/2019, At  
26824 FM 1093, Richmond, TX, 77406

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Certified Mail on 07/28/2021 postmarked on 07/21/2021

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** By 10:00 a.m. on Monday next following the expiration of 20 days after service

**ATTORNEY(S) / SENDER(S):** Jorge L. Gomez  
Gomez Law Firm  
1613 Witte Road  
Houston, TX 77080  
713-868-5528

**ACTION ITEMS:** CT has retained the current log, Retain Date: 07/28/2021, Expected Purge Date:  
08/02/2021  
  
Image SOP

**REGISTERED AGENT ADDRESS:** C T Corporation System  
1999 Bryan Street  
Suite 900  
Dallas, TX 75201  
  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

**CERTIFIED MAIL**

Case 4:21-cv-02775 Document 1-2 Filed on 08/24/21 in TXSD Page 2 of 10



**BEVERLEY MCGREW WALKER**

District Clerk  
Fort Bend County, Texas  
301 Jackson Street, Room 101  
Richmond, Texas 77469

Physical: 1422 Eugene Heimann Circle  
Richmond, TX 77469

**OFFICIAL BUSINESS**

Penalty for Private Use



9414 7266 9904 2162 3262 14

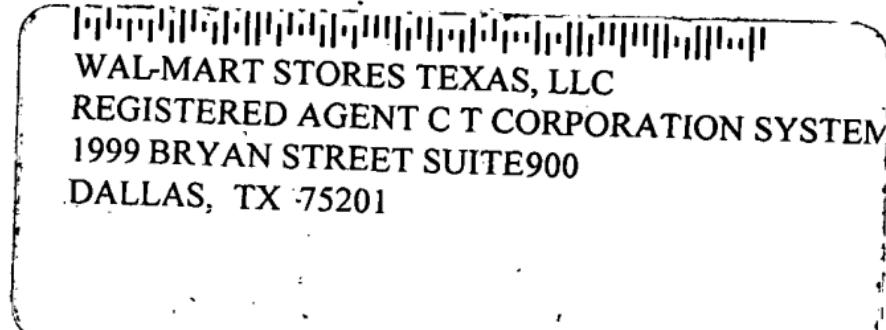


U.S. POSTAGE » PITNEY BOWES



ZIP 77469 \$ 007.16<sup>0</sup>

02 4W  
0000375758 JUL. 21. 2021



**EXHIBIT A**

**SERVICE FEE COLLECTED  
BY DISTRICT CLERK**

**THE STATE OF TEXAS**

**CITATION**

**TO: WAL-MART STORES TEXAS, LLC  
REGISTERED AGENT C T CORPORATION SYSTEM  
1999 BRYAN STREET SUITE 900  
DALLAS TX 75201**

**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION** filed on **JULY 20, 2021**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org).

The case is presently pending before the **458TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **21-DCV-285327** and is styled:

**JANICE HAJEK VS WAL-MART STORES TEXAS, LLC**

The name and address of the attorney for **PLAINTIFF** is:

**JORGE LUIS GOMEZ  
GOMEZ LAW FIRM  
1612 WITTE ROAD  
HOUSTON TX 77080  
713-868-5528**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, **on this the 20th day of July, 2021**.

**DISTRICT CLERK BEVERLEY MCGREW WALKER  
FORT BEND COUNTY, TEXAS**

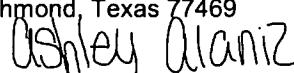
Physical Address:

1422 Eugene Heimann Circle, Room 31004  
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101  
Richmond, Texas 77469

By:

  
Deputy District Clerk Ashley Alaniz  
Telephone: (281) 633-7616



**SERVICE**

**EXHIBIT A**

21-DCV-285327

Janice Hajek vs Wal-Mart Stores Texas, LLC

458th Judicial District Court

**CERTIFICATE OF DELIVERY BY CERTIFIED MAIL**

Came to hand on the \_\_\_\_\_ at \_\_\_\_\_ o'clock and executed \_\_\_\_\_  
\_\_\_\_\_, on the \_\_\_\_\_, by delivering to the within named \_\_\_\_\_  
\_\_\_\_\_ by registered or certified mail, with delivery - restricted to addressee only, return receipt requested, a true copy of this  
citation together with the accompanying copy of the petition were attached thereto.

Fee..... \$ \_\_\_\_\_

CMRR# \_\_\_\_\_

**DISTRICT CLERK BEVERLEY MCGREW WALKER  
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004  
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101  
Richmond, Texas 77469

By: \_\_\_\_\_  
Deputy District Clerk Ashley Alaniz

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_  
(First, Middle, Last)

\_\_\_\_\_, and my address is \_\_\_\_\_  
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Declarant / Authorized Process Server

\_\_\_\_\_  
(Id # & expiration of certification)

**SERVICE**

Citation (By Certified Mail) issued to Wal-Mart Stores Texas, LLC on 7/20/2021.

**COPY**

**21-DCV-285327**

CAUSE NO. \_\_\_\_\_

JANICE HAJEK

§ IN THE DISTRICT COURT OF

§

§

§

§

vs.

§

§

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§

§

FORT BEND COUNTY, TEXAS

WAL-MART STORES TEXAS, LLC

Fort Bend County - 458th Judicial District Court

\_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Now Comes Plaintiff JANICE HAJEK, hereinafter called "Plaintiff", complaining of Defendant WAL-MART STORES TEXAS, LLC, hereinafter called "Defendant", and for cause of action Plaintiff would respectfully show unto the Court the following:

**I.**  
**DISCOVERY CONTROL PLAN**

Discovery is intended to be conducted under Level 2.

**II.**  
**PARTIES**

Plaintiff is an individual residing in HARRIS County, Texas.

Defendant WAL-MART STORES TEXAS, LLC is a Texas entity doing business in the State of Texas and may be served with process by the clerk of the court by certified mail, return receipt requested by serving its registered agent: C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

**III.**  
**MISNOMER/ALTER EGO**

In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification", "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

**IV.**  
**VENUE**

Venue of this lawsuit is proper in Fulshear, Fort Bend County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002 (a)(1) et. al. in that all or a substantial part of the events or omissions giving rise to this cause of action occurred in Fort Bend County, Texas.

**V.**  
**NOTICE PURSUANT TO TRCP 47**

Plaintiff hereby gives notice to all parties that Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.

**VI.**  
**FACTS**

On or about September 11, 2019, during normal business hours, Plaintiff entered the Defendant's business premises, located at 26824 FM 1093, Richmond, Texas 77406. Defendant extended an open invitation to the public, including Plaintiff to enter the premises and purchase goods and services being sold by the Defendant. Plaintiff entered the premises for the purpose

of purchasing goods at said Defendant's facility. Accordingly, Plaintiff was a business invitee to whom Defendant owed the duty to use ordinary care in making its premises reasonably safe and/or warning the Plaintiff of any dangerous conditions and/or activities existing upon said premises. On the occasion in question, the Plaintiff tripped and fell on a ruffled/wrinkled carpet mat located on the premises of the Defendant which proximately caused the injuries and damages more specifically described herein.

**VII.**  
**NEGLIGENCE**

On the occasion in question, the Defendant acting through its agents, servants, and/or employees who were at all times acting within the course and scope of their employment committed acts and/or omissions that constituted negligence which proximately caused the incident in question; to wit:

1. In failing to maintain the premises in question in a reasonably safe condition and free of hazards to Plaintiff and other invitees entering the premises;
2. In failing to correct the unreasonably dangerous condition which was created by the ruffled/wrinkled carpet on the premises in question;
3. In failing to warn invitees, including the Plaintiff of the dangerous condition of the premises in question;
4. In failing to properly inspect the premises in question to discover the unreasonably dangerous condition created by the ruffled/wrinkled carpet in question;
5. In failing to properly train its agents, servants, and/or employees regarding the proper way to make the premises reasonably safe;
6. In failing to implement proper policies, rules, and/or procedures to make its premises reasonably safe; and

7. In failing to enforce proper policies, rules, and/or procedures to make its premises reasonably safe.

Each and all the above and foregoing acts, both of omission and commission, singularly or in combination with others, constituted negligence which proximately caused the occurrence made the basis of this suit, and the Plaintiff's injuries and damages pled herein.

**VIII.**  
**DAMAGES**

As a proximate cause of the Defendant's negligence the Plaintiff has sustained the following damages:

- (1) Medical, hospital, and pharmaceutical charges and expenses in the past;
- (2) Medical, hospital, and pharmaceutical charges and expenses that, in reasonable medical probability, will be incurred in the future;
- (3) Lost wages in the past;
- (4) Loss of wage-earning capacity that, in reasonable probability, will be incurred in the future;
- (5) Pain and suffering in the past;
- (6) Pain and suffering that, in reasonable probability, will be suffered in the future;
- (7) Mental anguish suffered in the past;
- (8) Mental anguish that, in reasonable probability, will be suffered in the future;
- (9) Disability and impairment in the past;
- (10) Disability and impairment that, in reasonable probability, will occur in the future;
- (11) Disfigurement in the past;
- (12) Disfigurement that, in reasonable probability, will occur in the future;

- (13) Loss of household services in the past; and
- (14) Loss of household services that, in reasonable probability, will occur in the future.

Based on the above enumerated injuries and damages which were caused by the negligent acts and/or omissions of the Defendant, the Plaintiff pleads for actual damages in an amount that the jury deems reasonable under the circumstances which exceed the minimum jurisdictional limits of the Court.

**IX.**  
**NOTICE PURSUANT TO TRCP 193.7**

Plaintiff hereby gives notice to all parties that Plaintiff intends to use any and all documents that are produced by a party against that party in pretrial proceedings or at trial pursuant to TRCP 193.7.

**X.**  
**PRE-EXISTING CONDITION**

In the alternative, Plaintiff would show that if any injury and/or condition from which she currently suffers was pre-existing, then such condition was aggravated, exacerbated, and/or made worse by the negligence of the Defendant herein.

**XI.**  
**SUBSEQUENT CONDITION**

In the alternative, Plaintiff would show that if she suffers from any subsequent injury and/or condition, then such injury and or condition was aggravated and/or exacerbated by the negligence of the Defendant herein.

**XII.**  
**U.S. LIFE TABLES**

Plaintiff hereby notifies the Defendant of her intent to use U.S. Life Tables as published by the U.S. Government in the trial of this matter.

**XIII.**  
**JURY DEMAND**

Plaintiff hereby demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff requests that the Defendant be cited to appear and answer herein, and that upon a final hearing hereof, the Plaintiff have judgment against the Defendant for actual damages in an amount the jury deems reasonable under the circumstances which is in excess of the minimum jurisdictional limits of the Court together with pre-judgment interest, post-judgment interest, costs of court, and for such other and further relief to which the Plaintiff may be justly entitled.

Respectfully submitted,

GOMEZ LAW FIRM  
1613 Witte Road  
Houston, Texas 77080  
Telephone: (713) 868-5528  
Facsimile: (713) 868-4159  
[jlg@gomezlawfirm.com](mailto:jlg@gomezlawfirm.com)

/s/ Jorge L. Gomez  
JORGE L. GOMEZ  
STATE BAR NO. 00793825

ATTORNEY FOR PLAINTIFF